



# PUBLIC NOTICE

Federal Communications Commission  
445 12<sup>th</sup> St., S.W.  
Washington, D.C. 20554

News Media Information 202 / 418-0500  
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Internet: <http://www.fcc.gov>  
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**DA 13-451**  
**Released: March 15, 2013**

**WIRELINE COMPETITION BUREAU SEEKS COMMENT ON SMS/800, INC.  
PROPOSAL TO BECOME TOLL FREE DATABASE NEUTRAL  
ADMINISTRATOR AND TO TRANSFER TARIFFING RESPONSIBILITIES**

**PLEADING CYCLE ESTABLISHED**

**CC Docket No. 95-155**  
**WC Docket No. 12-260**

**Comment Date: March 29, 2013**

On September 13, 2012, SMS/800, Inc. (Petitioner) filed a petition seeking permission to change the membership and governance of SMS/800, Inc., which generally oversees the 800 Service Management System for toll free numbers.<sup>1</sup> The Bureau sought comment specifically on the Petitioner's proposal "to expand the control of SMS/800, Inc. from the Bell Operating Companies (BOCs) alone to the broader toll free industry . . . ."<sup>2</sup> While the petition was captioned "Petition to Change the Composition of SMS/800, Inc.," the petition also proposed that SMS/800, Inc. assume the role of toll free database neutral administrator and assume tariffing responsibilities.<sup>3</sup> The comments focused primarily on the proposed changes to the membership of SMS/800, Inc. The Bureau is providing additional opportunity for comment, particularly on SMS/800, Inc.'s neutral administrator and tariffing proposals.

Pursuant to sections 1.415 and 1.419 of the Commission's rules, 47 CFR §§ 1.415, 1.419, interested parties may file comments on or before the dates indicated above. All filings should refer to WC Docket No. 12-260.<sup>4</sup> Comments may be filed using the Commission's Electronic Comment Filing System (ECFS). *See Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121 (1998).

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://fjallfoss.fcc.gov/ecfs2/>.

<sup>1</sup> Petition to Change the Composition of SMS/800, Inc., CC Docket No. 95-155, WC Docket No. 12-260 (filed Sept. 13, 2012) (SMS/800 Petition). Petitioners explain that the SMS/800 is "a centralized database containing all customer records and routing instructions for toll-free numbers." *See id.* at 2.

<sup>2</sup> *Wireline Competition Bureau Seeks Comment on SMS/800, Inc. Petition to Change the Composition of SMS/800, Inc.*, Public Notice, CC Docket No. 95-155, WC Docket No. 12-260, 27 FCC Rcd 11105 (2012).

<sup>3</sup> *See* SMS/800 Petition at 10-20; *see also* Letter from Aaron M. Panner, Counsel to SMS/800, Inc., to Marlene H. Dortch, Secretary, FCC, CC Docket No. 95-155, WC Docket No. 12-260 (filed Mar. 4, 2013).

<sup>4</sup> We hereby incorporate all comments and *ex parte* presentations in CC Docket No. 95-155 into this docket. Commenters need not resubmit material previously filed in that proceeding.

- Paper Filers: Parties who choose to file by paper must file an original and one copy of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

- All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12<sup>th</sup> St., SW, Room TW-A325, Washington, DC 20554. The filing hours are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes and boxes must be disposed of before entering the building.
- Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743.
- U.S. Postal Service first-class, Express, and Priority mail must be addressed to 445 12<sup>th</sup> Street, SW, Washington DC 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to [fcc504@fcc.gov](mailto:fcc504@fcc.gov) or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

The proceeding this Notice initiates shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.<sup>5</sup> Persons making *ex parte* presentations must file a copy of any written presentation or a memorandum summarizing any oral presentation within two business days after the presentation (unless a different deadline applicable to the Sunshine period applies). Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must (1) list all persons attending or otherwise participating in the meeting at which the *ex parte* presentation was made, and (2) summarize all data presented and arguments made during the presentation. If the presentation consisted in whole or in part of the presentation of data or arguments already reflected in the presenter's written comments, memoranda or other filings in the proceeding, the presenter may provide citations to such data or arguments in his or her prior comments, memoranda, or other filings (specifying the relevant page and/or paragraph numbers where such data or arguments can be found) in lieu of summarizing them in the memorandum. Documents shown or given to Commission staff during *ex parte* meetings are deemed to be written *ex parte* presentations and must be filed consistent with rule 1.1206(b). In proceedings governed by rule 1.49(f) or for which the Commission has made available a method of electronic filing, written *ex parte* presentations and memoranda summarizing oral *ex parte* presentations, and all attachments thereto, must be filed through the electronic comment filing system available for that proceeding, and must be filed in their native format (e.g., .doc, .xml, .ppt, searchable .pdf). Participants in this proceeding should familiarize themselves with the Commission's *ex parte* rules.

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<sup>5</sup> 47 C.F.R. §§ 1.1200 *et seq.*

For further information regarding this proceeding, contact Michelle Sclater, Competition Policy Division, Wireline Competition Bureau, 202-418-0388 or [Michelle.Sclater@fcc.gov](mailto:Michelle.Sclater@fcc.gov).

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